(4)

IN THE HIGH COURT OF JUDICATURE M.P.AT JABALPUR

W.P.NO. 2496/98

PETITION UNDER ARTICE 226$227 OF THE CONSTITUTION OF INDIA.

PETITIONER: State of Madhya Pradesh through

Secretary, Water Resources Department, M.P Bhopal.

2. Executive Engineer, Division No.3, Hasdeo Canal Pariyojana Janjgir,Bilaspur.

3. Sub Divisional Officer, J.B.C. Division No.1, Janjgir, M.P. Bilaspur.

Versus

RESPONDENTS: Satyanarayan Rathore S/o Chedilal, Village Khoskha Tah.Janjgir,Distt.Bilaspur.

Deceased as Served 2. Member Judge,Labour Court,Bilaspur.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2496 of 1998

Petitioners — State of Madhya Pradesh and others

Versus

Respondents — Satyanarayan Rathore and another

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the petitioners.

None for the respondents.

ORAL ORDER

(16th June, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. This petition impugns the award dated 25.5.1998 passed by the Labour Court, Bilaspur in case No. 79/IDA/91 (Annexure P/1) whereby the respondent No.1 was directed to be reinstated in service within a period of 30 days and he was further granted 25% back wages.

2. The State has filed this petition impugning the award on the ground that the Water Resources Department is not an 'industry', as such, the award passed by the Labour Court was incompetent. It is now well settled by a catena of decisions that if a department of a Government is engaged in commercial activities, the same be treated as 'industry'.

3. Learned counsel for the petitioners is not in a position to explain as to why the Water Resources Department is not an 'industry' when admittedly the department is engaged in such

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activities which comes within the purview of commercial activities. Even otherwise, this Court while admitting the petition for issuing notice, declined to stay the operation of the impugned award dated 25.5.1998. It was further directed that the petitioners would comply with the award within a period of six weeks from 22.7.1998.

4. In view of the fact that the operation of the award was not stayed, the same must have been complied with by the petitioners. At this stage it is not desirable to go into the question as to whether the Water Resources Department is an 'industry' or not.

5. Accordingly, in the facts and circumstances of the case, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur